

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MCDONALD'S CORPORATION,

Plaintiff,

v.

VANDERBILT ATLANTIC  
HOLDINGS LLC,

Defendant.

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19 Civ. 06471 (DLI) (SLT)

**Oral Argument Requested**

**NOTICE OF MOTION FOR  
SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that upon the accompanying Declaration of Pinchus "Sam" Rottenberg, dated April 28, 2022 and the exhibits thereto, the Declaration of Thomas Tener, dated April 24, 2022 and the exhibits thereto, the Declaration of Howard S. Koh, dated April 28, 2022 and the exhibits thereto, the Statement Pursuant to FRCP 56 and Local Rule 56.1 in Support of Motion for Summary Judgment, dated April 29, 2022, the Memorandum of Law in Support of Defendant's Motion for Summary Judgment, dated April 29, 2022, and all other proceedings had herein, Defendant Vanderbilt Atlantic Holdings LLC ("Vanderbilt") will move this Court on June 27, 2022 at the Courthouse located at 225 Cadman Plaza, Brooklyn, New York 11201, before the Honorable Dora L. Irizarry, United States District Judge, for an order pursuant to Federal Rule of Civil Procedure 56, granting Vanderbilt summary judgment dismissing the Complaint of Plaintiff, McDonald's Corporation ("McDonald's"), and awarding Vanderbilt summary judgment declaring that McDonald's has failed to cooperate in the process set forth in the Option Rent Addendum to the parties' lease and, as a result, the Fair Market Rental Value of the premises demised by the Lease during the first five-year option term of the lease is set at \$1,348,000 per year, and for such other and further relief that the Court deems just and proper.

Pursuant to the Court-ordered briefing schedule in this action, answering papers must be served upon the undersigned on or before June 10, 2022. Reply papers, if any, must be served on or before June 24, 2022.

Dated: New York, New York  
April 29, 2022

**MEISTER SEELIG & FEIN LLP**

/s/ Stephen B. Meister  
By: Stephen B. Meister, Esq.  
Howard S. Koh, Esq.  
125 Park Avenue, 7<sup>th</sup> Floor  
New York, New York 10017

*Attorneys for Defendant Vanderbilt Atlantic  
Holdings LLC*